

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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JAMES MCDONALD, #236254

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Plaintiff,

\*

v.

\*

2:06-CV-284-MHT

RICHARD ALLEN, *et al.*,

\*

Defendants.

\*

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**ANSWER TO PLAINTIFF'S AMENDED COMPLAINT**

**COME NOW**, the Defendants, **Richard Allen and Bob Riley**, by and through Attorney General Troy King, via undersigned counsel, and in accordance with this Honorable Court's Order of June 12, 2006, answer the Plaintiff's Amended Complaint as follows:

1. Defendants deny all material allegations made in Plaintiff's Amended Complaint.

**AFFIRMATIVE DEFENSES**

1. The Plaintiff's Amended Complaint fails to state a claim upon which relief can be granted.
2. The Plaintiff lacks standing to bring this suit.
3. Defendants assert the defense of sovereign immunity.
4. Defendants assert the defense of qualified immunity.

5. Defendants cannot be held personally liable for a 42 U.S.C. § 1983 civil action under the theory of Respondeat Superior.
6. This Court lacks subject matter jurisdiction.

Respectfully Submitted,

Troy King (KIN047)  
Attorney General

s/ J. Matt Bledsoe  
J. Matt Bledsoe (BLE006)  
Assistant Attorney General

ADDRESS OF COUNSEL:

OFFICE OF THE ATTORNEY GENERAL  
11 South Union Street  
Montgomery, AL 36130  
(334) 342-7443  
(334) 242-2433 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 20<sup>th</sup> day of July, 2006, served a copy of the foregoing upon the Plaintiff, by placing same in the United States Mail, postage prepaid and properly addressed as follows:

James McDonald, #236354  
Easterling Correctional Facility  
200 Wallace Drive  
Clio, AL 36017

*s/J. Matt Bledsoe*  
J. Matt Bledsoe (BLE 006)  
Assistant Attorney General